

**MINUTES OF
TENNESSEE MASSAGE LICENSURE BOARD**

Date: August 22, 23, 2005

Time: 9:00 a.m. C.S.T.

Location: Cumberland Room
Ground Floor, Cordell Hull Building
425 5th Avenue North
Nashville, TN 37247-1010

Members Present: Steve Harper, LMT, Chair
Rebecca Eichel, LMT, Secretary
Kirsten VandeBerg, LMT
Beverly Chumbley, RN, LMT
Juliana Glassgow-Trotman, LMT
Marilyn Field-Citizen Member
Robbie Bell, Ex-Offico

Staff Present: Dianne Birkner, Unit Manager
Dale Hill, Board Administrator
Lisa Lampley, Unit Director
Bob Kraemer, Advisory Attorney

August 22, 2005

A quorum being present, the Board meeting was called to order by Mr. Steve Harper at 9:17 a.m.

Conflict of Interest

Ms. Bell explained the Conflict of Interest Policy and requested any member who has not signed a copy to please do so at this time.

Rules

Mr. Jerry Kosten presented rules for a roll call vote regarding adding a new chapter for educational programs, revisions to advertising, revisions to continuing education, disciplinary actions for establishments, criminal background checks and changing statutory citations.

Ms. Chumbley asked if the concerns in a letter from Mr. Richard Mansfield of the Tennessee Higher Education Commission (THEC) relating to qualification of instructors had been addressed. Ms. Bell stated Mr. Kosten worked with Dr. Stephanie Bellard from THEC and all concerns have been addressed.

Mr. Harper requested Mr. Kosten to double check if NCTMB is the correct acronym. Mr. Harper also inquired about rule section (l) on page 4 where it states “The Board shall be notified of any change in program directorship and/or instructors prior to hire or immediately upon discharge,” It was noted that THEC’s rules require notification within ten (10) days and the Board, at its last meeting, changed the wording from ten (10) days to immediately.

Ms. Chumbley made a motion to change the rule back to ten (10) days. Ms. VandeBerg seconded the motion. The motion passed.

Mr. Harper stated sections (1) (d) and (e) on page 7 are not part of THEC’s forms and he would like to adopt THEC’s forms as much as possible. Ms. Bell explained we would have to get the information relating to the number of students sitting for the test and percentage of students taking and passing the test the first time from the testing agency annually.

Ms. Chumbley noted section (e) on page 3 was the same as section (n) on page 4. Section (n) on page 4 will be deleted.

Ms. Field made a motion to accept all changes made at the last meeting along with the changes made today. Ms. Chumbley seconded the motion. The motion carried.

A motion was made by Ms. Glassgow-Trotman and seconded by Ms. Field to adopt the rules as amended. The motion carried.

Ms. Birkner conducted a roll call vote, all members voted yes.

Representative Nathan Vaughn requested to address the Board concerning civil penalties imposed on unlicensed establishments. He stated that out of five (5) constituents who had contacted him, three (3) had gone out of business due to the harshness of penalties. Representative Vaughn asked the Board “if we could all work together to find fairness in the due process”.

Ms. Glassgow-Trotman stated the Board was charged with upholding the rules.

Mr. Harper agreed some of the penalties had been outrageous that the Board was taking corrective action to address this issue.

Ms. Bell explained to Representative Vaughn that the Board had spent two days in a work session to work on guidelines for this specific issue and the Board has been working hard to address this. She stated the administration is proposing to work with owners, giving them thirty (30) days to get a license. If the owner is a massage therapist, they would be fined. After thirty (30) days if an owner has not applied for a license it would be sent to our office of investigations. She also stated staff will be sending a letter to all cosmetology salons regarding licensure for establishments.

Ms. Field made a motion to give a thirty (30) day notice for someone to get an establishment license. Ms. VandeBerg seconded the motion. The motion carried.

Ms. Chumbley suggested to add that owners could be fined a minimum of \$100.00 to a maximum of \$500.00.

Mr. Kraemer will prepare a draft policy statement to present to the Board for signature at its next meeting.

The Board thanked Representative Vaughn for coming to the meeting and for his concerns for the profession.

Rules Continued

Mr. Kosten presented rules to be sent for a rulemaking hearing on October 18, 2005 regarding reconsiderations and stays of disciplinary actions and deletion of all references relating to provisional licenses. Mr. Kosten presented an outline of the proposed rules.

A discussion was held regarding .04 of the outline relating to the requirement of five (5) classroom hours of courses regarding massage licensure rule/statutes for reciprocity applicants. It was suggested a letter be sent to all school owners inquiring which ones will be offering these classes for the reciprocity applicants and to notify applicants of the participating schools.

The Board discussed whether or not to revise the wording of Section 0870-1-.04 (1) (f) 1. (iii) to include the word "spa".

Ms. VandeBerg made a motion to keep the rule as written. Ms. Chumbley seconded the motion. The motion carried.

Mr. Kraemer proposed drafting a rule to define scope of practice including what procedures/services are permissible.

Section 0870-1-.12 (4) (e) will be moved to (4) (b) 5.

Mr. Kraemer proposed amending Section 0870-1-.16 and adding new paragraphs to read as follows:

0870-1-.16 Officers, Consultants, Records, and Declaratory Orders, is amended by deleting the catchline in its entirety and substituting instead the following language, and is further amended by deleting part (3) (b) 3. in its entirety and renumbering the present part (3) (b) 4. as (3) (b) 3., and is further amended by adding the following language as new paragraphs (5) and (6), so that as amended, the new catchline and the new paragraphs (5) and (6) shall read:

0870-1-.16 Officers, Consultant, Records, Declaratory Orders, and Screening Panels.

- (5) The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

- (6) Screening Panels – The Board adopts, as if fully set out herein, rule 1200-10-1-.13, of the Division of Health Related Boards and as it may from time to time be amended, as its rule governing the screening panel process.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-138, 63-18-108, 63-18-111, and Public Chapter 234 of the Public Acts of 2005.

Page 7, rule 0870-1-.19 (1) (m) the words “products or” was removed.

In the Board’s current rules, Section 0870-1-.09 (1) (a) will be revised so that the expiration date of an establishment license is biennially.

Section 0870-1-.06 (a) the next to last sentence was revised to read “in cases where an applicant is denied licensure or the application file closes due to abandonment, only the initial licensure fee will be refundable upon request.”

Section 0870-1-.06 (c) the phrase “artistically designed” was replaced with “renewal”.

A motion was made by Ms. Chumbley to accept the proposed rules and revisions/ additions. Ms. Glassgow-Trotman seconded the motion. The motion carried.

File Reviews

Rami Lynn Guy – Ms. Guy appeared before the Board to give explanation of a conviction of Assault and Hit and Run. Ms. Eichel made a motion to approve Ms. Guy for licensure. Ms. Chumbley seconded the motion. The motion carried.

The Board recessed for lunch at 12.55 p.m. and returned at 1:25 p.m.

Essential Therapies

Ms. Bell asked the Board for clarification on disciplinary action taken at its last meeting relating to Essential Therapies, whether the \$8000.00 civil penalty was assessed on the owners, Ms. Linda Alexander and Mr. Seth McLaughlin or Essential Therapies. Ms. Glassgow-Trotman made a motion that the civil penalty was on Essential Therapies not the individuals. Ms. Chumbley seconded the motion. The motion carried.

Melissa Rentfro – Ms. Rentfro appeared before the Board to give explanation to a DUI charge. Ms. Smithson of Lighthouse Professional Services advocated for Ms. Rentfro. Ms. VandeBerg made a motion which was seconded by Ms. Chumbley to approve Ms. Rentfro for licensure. The motion carried.

Planet Sun Tanning Salon

Information was presented to the Board that a letter of reference submitted in the application process was determined to have been fraudulently created and submitted and the signature forged.

Ms. Eichel made a motion to deny licensure of Planet Sun Tanning Salon massage establishment. Ms. Field seconded the motion. The motion carried.

Michael Lyles Alley

Mr. Alley appeared before the Board to give explanation to a charge of simple possession in 1992. Ms. Chumbley made a motion to approve Mr. Alley for licensure. Ms. Eichel seconded the motion. The motion carried.

Mr. Harper stated he feels the Board should not hear of incidences that are over five (5) years old.

D' Andre L. McCurry

Mr. McCurry appeared before the Board to give explanation to a charge of resist/obstruct Peace Officer in 1997. Ms. Eichel made a motion which was seconded by Ms. Chumbley to approve Mr. McCurry for licensure. The motion carried.

Natasha Darna Williams

Ms. Williams appeared before the Board to give explanation to a misdemeanor conviction for gambling devices. Ms. Williams explained it was illegal lottery material. Ms. Chumbley made a motion to approve Ms. Williams for licensure. Ms. Glassgow-Trotman seconded the motion. The motion carried.

Jennifer Susan Palmer

Ms. Palmer appeared before the Board to give explanation for a DUI Charge. Ms. Smithson advocated for Ms. Palmer. Ms. Glassgow-Trotman made a motion to approve Ms. Palmer for licensure. Ms. VandeBerg seconded the motion. The motion carried.

Mike Harris

Mr. Harris appeared before the Board to give explanation to a felony DUI conviction. Ms. Smithson advocated for Mr. Harris. Ms. VandeBerg made a motion to approve Mr. Harris for licensure. Ms. Field seconded the motion. The motion carried.

Charles Martin

Mr. Martin appeared before the Board to give explanation to one charge of theft under \$500.00 in June 2001, one charge of unlawful drug paraphernalia in October 2001 and one charge of unlawful drug paraphernalia, simple possession in December 2001. Ms. Smithson advocated for Mr.

Martin. Ms. Chumbley made a motion to approve Mr. Martin for licensure. Ms. VandeBerg seconded the motion. The motion carried.

Rebecca Gill

Ms. Gill appeared before the Board to give explanation to charges of DUI, unlawful use of drug paraphernalia, possession of a controlled substance and implied consent, each occurring during a single incident. Ms. Smithson advocated for Ms. Gill. Ms. Chumbley made a motion which was seconded by Ms. VandeBerg to approve Ms. Gill for licensure. The motion carried.

Misty Ogle

Ms. Ogle appeared before the Board to give explanation to a DUI charge. Ms. Smithson advocated for Ms. Ogle. Ms. Chumbley made a motion to approve Ms. Ogle for licensure. Ms. Eichel seconded the motion. The motion carried.

Minutes

May 16, 2005 – Ms. VandeBerg made a motion which was seconded by Ms. Glassgow – Trotman to approve the minutes with the following change:

On page 6 Mr. Michael Odosij's name was omitted from the contested cases that were continued. The motion carried.

June 27, 2005 – Ms. Field made a motion to approve the minutes as written. Ms. VandeBerg seconded the motion. The motion carried.

Civil Penalty Policy Regarding Unlicensed Establishments, Practice in Unlicensed Establishments and Unlicensed Therapists.

During a lengthy discussion Ms. VandeBerg stated she doesn't think any cases should be brought before the Board regarding licensed therapists practicing in unlicensed establishments until the new rules are in effect. Ms. Eichel, Ms. Glassgow-Trotman and Ms. Field stated the Board should prosecute therapists practicing in unlicensed establishments.

Ms. Chumbly made a motion for a policy for unlicensed establishments which states that after the thirty (30) day notice, a non massage related owner be fined a base penalty of \$300.00 plus \$100.00 per month per working table. A massage owner be fined a base penalty of \$500.00 plus \$200.00 per month per working table. Ms. VandeBerg seconded the motion. The motion carried.

Continuing Education Policy

Mr. Kraemer presented a draft copy of the policy using the guidelines set out by the Board at its December 9, 2002 meeting.

The policy reads:

CONTINUING EDUCATION VIOLATIONS

A massage therapist licensed in Tennessee must obtain twenty-five (25) hours of continuing education every two (2) years. If a licensed massage therapist should violate the law by failing to obtain the required continuing education hours, in an effort to avoid the matter being forward to the Department's Office of General Counsel for full prosecution and the possibility of more severe discipline, the therapist, if he or she is a first time offender, shall be offered the following:

1. The licensee shall, within thirty (30) days of being notified of the assessment, pay a one hundred and fifty dollar (\$150.00) civil penalty; and
2. The licensee shall obtain the number of continuing education hours that he or she was deficient and an additional six (6) penalty hours of continuing education before the end of the next two (2) year period in addition to the twenty-five (25) hours required for that period.

If the therapist fails to accept this or fails to comply with its terms the matter shall be referred to the Department's Office of General Counsel for full prosecution. Likewise, if the massage therapist is found deficient in any subsequent biennial continuing education period he or she shall be referred to the Department's Office of General Counsel for full prosecution rather than be offered the benefit of this policy.

Ms. VandeBerg made a motion to adopt the continuing education policy as presented. Ms. Chumbley seconded the motion. The motion carried.

Ms. VandeBerg made a motion that the Board no longer hear cases regarding licensed therapists working in unlicensed establishments until the rules reflect their responsibility. Without a second to the motion, the motion died.

Ms. Field made a motion for a policy that states licensed massage therapists working in unlicensed establishments be fined \$100.00 per month up to \$600.00. Ms. Eichel seconded the motion. Ms. VandeBerg voted no. The motion carried. Ms. Eichel made a motion to amend the previous motion by not adding any caps to the fine. Ms. Glassgow-Trotman seconded the motion. The motion carried with Ms. VandeBerg voting no.

Criminal Conviction Policy

Mr. Kraemer presented a draft of the proposed policy.

Ms. Birkner asked for consideration for administrative staff to review the files rather than a consultant.

Ms. Field made a motion to reword the policy so that administrative staff can review the files and refer to the consultant if needed. Ms. Glassgow-Trotman seconded the motion. The motion carried.

Ms. Eichel suggested reducing the number of years from an offense from ten (10) years to five (5) years unless it is sex related.

After a lengthy discussion, Ms. Eichel made a motion which was seconded by Ms. VandeBerg to adopt the following as policy:

Any person who has applied for a license as a massage therapist or for an establishment license who has a felony conviction which occurred ten (10) or more years prior to the date of application for licensure; or a single misdemeanor conviction or group of misdemeanor convictions all arising out of a single incident which occurred five (5) or more years prior to the date of application for licensure **MAY** not be required to appear before the Board and the Board's administrator, in consultation with the Board's consultant when appropriate, is authorized to issue a temporary authorization pursuant to T.C. A. § 63-1-142 and determine whether or not the applicant needs to appear before the Board before a license can be issued.

Any applicant who has more than one felony conviction or a pattern of multiple misdemeanor convictions not arising out of a single incident is required to appear before the Board before any license or practice authorization may be issued. Furthermore, any person convicted of a crime described in T.C.A. § 63-18-105(b)(2) (prostitution or sexual misconduct) cannot be considered for or granted a license.

The motion carried.

Substance Abuse Policy

Mr. Kraemer presented a draft copy of the policy. After lengthy discussion Ms. Chumbley made a motion which was seconded by Ms. VandeBerg to adopt the following policy:

Any person who has applied for a license as a massage therapist or for an establishment license whose application documentation contains issues involving abuse of drugs and/or alcohol must obtain a favorable recommendation from the Board's peer assistance program before he or she will be considered for licensure. If the applicant obtains a favorable recommendation the administrator for the Board may, in consultation with the Board's consultant when appropriate, issue a temporary authorization pursuant to T.C.A. § 63-1-142 and determine whether or not the applicant needs to appear before the Board before a license may be issued.

"Abuse" does not mean a single isolated incident but may be found to exist when a combination of events and/or circumstances, when viewed in their totality, indicate a failure and/or inability to exercise self-control and /or good judgment in relation to alcohol and/or drugs. In determining whether "abuse" exists, criminal convictions may be considered as part of the totality of events and/or circumstances but by themselves do not necessarily constitute "abuse" and the Board's "Criminal Conviction Policy" may also be applied to such convictions. The motion carried.

Administrator/Directors Report

Ms. Birkner presented the report regarding statistical information and license status since the last meeting. It was noted that from May through July, 607 new applications had been received, and as of today, 110 applications have been received in August. Also as of today, 30 establishment applications have been received. Ms. Birkner reminded the Board of the travel regulations.

Establishment Inspection Report

Ms. Birkner reported there were 247 inspections conducted during May, June and July.

Investigation/Disciplinary Report

Ms. Birkner asked the Board to review the reports and stated that Ms. Phelps would be in attendance tomorrow should they have any questions.

Financial Report

Ms. Birkner asked the Board to read over the report. Mr. Harper asked what all was included in grant payments. Ms. Bell stated she would ask the financial staff and report back to them at their next meeting.

Office of General Counsel Report

Mr. Kraemer presented the report regarding statutes, rules and litigation and asked if there were any questions. There were no questions.

Ms. Field left at 5:00 p.m.

Lighthouse Professional Services Report

Ms. Smithson presented a break down of services and expenditures from November 14, 2003 to June 30, 2005. The report showed a total expenditure of \$85,222.48.

Approval Requests for Continuing Education Courses

There were no request made for this meeting.

Requests for Continuing Education Waiver/Extension's

Mr. Kraemer explained that the Board could not issue a waiver unless it was beyond the licensees physical capabilities.

Risalyat A Gezelman – Ms. Gezelman is asking the Board to approve 25 hours taken in 2005 to be used for the 2003-2004 CE requirement.

Ms. VandeBerg made a motion that Ms. Gezelman meet the requirements set out in Board Policy and the course in hypossage only be accepted if the course was approved according to Board rules. Ms. Glassgow-Trotman seconded the motion. The motion passed.

Ms. Chumbley asked why the Board removed the wording “or equivalent accrediting agency” out of the new rules. It was explained the Board removed it at the retreat.

Jason Harris – Mr. Harris is requesting an extension of the 2003-2004 CE requirement.

Ms. VandeBerg made a motion to apply the Board policy. Ms. Glassgow-Trotman seconded the motion. The motion carried.

A discussion followed concerning the confusion regarding the graduation date and the beginning date of the two-year cycle.

Mr. Kraemer stated he will revise the continuing education rule to better explain the Board’s interpretation of the rules.

Ms. Bell suggested the Board could make the interpretation that 2003/2004 etc. is the cycle for everyone, that a letter could go out and it could be clarified in the news letter.

The Board stated that due to the confusion, they would not audit for 2003/2004 and licensees would not be penalized for those years.

Ms. Chumbley made a motion to rescind the previous motions on Ms. Gezelman and Mr. Harris. Ms. Glassgow-Trotman seconded the motion. The motion carried.

Susan Price - Ms. Price is requesting a waiver of her 2003-2004 CE requirements. Ms. Price submitted a letter to the Board along with a letter from her doctor explaining her illness and why she has not been able to obtain her continuing education. Ms. Price is now living in Ohio but wishes to keep her Tennessee license.

Ms. Chumbley made a motion to grant the waiver. Ms. Glassgow-Trotman seconded the motion. The motion carried. It was suggested to offer Ms. Price to place her license in retirement.

Lisa Hunter – Ms. Hunter is requesting an extension for obtaining 12 CE hours for the 2003-2004 requirement.

Joanne Bullard - Ms. Bullard is requesting approval to use 5 hours received in 2005 to be used for the 2003/2004 CE requirement.

Ms. Glassgow-Trotman made a motion which was seconded by Ms. VandeBerg to send a letter to Ms. Hunter, Ms. Bullard, Ms. Gezelman and Mr. Harris telling them they would need to make up for the hours missed. The motion carried.

Ratifications

Ms. Chumbley made a motion to ratify all new and reinstatement licenses for massage therapists and massage establishments issued from May 6, 2005 to August 5, 2005 with the exception of Planet Sun Tanning Salon, license number 1568. Ms. VandeBerg seconded the motion. The motion carried.

Massage Therapists

LINDSEY JEAN ADAM
ALLISON LEANN ADAMS
MATTIE JOE ADDISON
TASHA MARIE ADKINS
CHARLES TERRY AKIN
LASHEIKA MICHELLE ANDERSON
PHILLIP S ANDREWS JR
JACQUELINE DEVONNA ARCHER
KEMEKIA RESHON ARLINE
ARCHIE LENE ARMSTRONG
LISA NICOLE ARNOLD
PATRICIA ANN ARNOLD
DARRYL KEITH ARTISON
BRANDON SCOTT ASHLEY
MELANIE JANE BAIN
KATHLEEN MARIE BALAZS
AVE HELENE BALSLEY
GARY TERRELL BANKS
GENISTA NICHOLE BARKSDALE
SANDRA DEE BARTON
PAMELA JANE BASINGER
CHARLOTTE MONETTE BASS
DEMESHA LATA BATEY
LARISSA H. BAXLEY
STEPHINE ANN BEASLEY
RONDA B BELLAMY
MARTRESHA MICHELLE BERKLEY
ERIC GLEN BIREN
KIMBERLY MICHELLE BLAIR
STACIE K BLAZIC
AARON GREGORY BLEDSOE
AMANDA CAROL BOLING
CHRISTOPHER DEVIN BOLING
DIANA MARIE BOMAR
SAMUEL SCOTT BORTHICK
RITA DARLENE BOYD
TARA NICHOLE BOYD

FREDERICK LEE BOYLE
LISA NICOLE BRADFORD
AMBER NICHOLE BRELAND
STACY RENEE BRENNAN
CARRIE R BRIDGES
THELMA SHRESE BRITTAIN
TARVER CAVELL BRITTEN
SHANNON DAWN BROOKSHIRE
FELICIA R BROWN
ZOEY K BROWN
ELIZABETH MICHELLE BUMPAS
DAWN MICHELLE BURGESS
JEFFERY BURGESS
SCHANTEL NICOLE BURGESS
DONNA MICHELLE BURNS
JACINDA REGINA BUTCHER
STACY GAIL BYRD
ANNA CHRISTINE CALDWELL
AMANDA L CALDWELL
LASHONDA NICOLE CAMPBELL
SALLY ANN CAMPBELL
TERRI LYNN CAMPBELL
CINDY DENISE CANNON
CANDICE MARIE CANNON
KIMBERLY SUE CAPRARO
TONYA H CARDEN
CURTIS DAILEY CARDIN
BARBARA JUNE CARTER
WILLIAM BRYAN CARTER
TEARNIA ROCHELLE CARUTHERS
KAREN JEAN CARVER
MARY JENNIFER CASHWELL
STEVE RICHARD CATE
SUSAN JANE CAWOOD
CONNIE EUPHIE CENTER
DELORES FAYE CHASTAIN
ELIZABETH BRANDICE CHIDDISTER

WANDA RENA CHRISTIAN
HEATHER ANN CLARK
MOLLY TANG CLINTON
GWENDOLYN COBB
TABITHA MALEE COBB
CHATAE YVONNE COFFEE
JOHN T. COLE
KARIN ANDREA COLEMAN
LINDA DARLENE COLEMAN
SARAH J COLEMAN
ROBERT SIDNEY CONGER
CHASITI NICHOLE CONROY
ADAM DEWAYNE COOK
CINDY G. COOK
SPENCER WAYNE COOK
KIMBERLY ANN COOKE
JOSEPH RAY COOPER
MILEY LANG CORBIN
ROSALYN CANTRELL COWANS
KATHRYN ELAINE CRAIG
SUSAN HOPE CRAIN
REBECCA GAIL CROFT
AMY LYNN CROSLIN
PATRICIA ANN CROSS
SHERLYN GAYE CRUZ
ASHLEY NICOLE CUMMINS
JENNIFER MARIE CUNNINGHAM
LAURA JANE CURRIE
SANDRA JEAN CURTIS
MANDI A DAIGLE
DANA LYNNETTE DAVIS
JENNIFER LEIGH DAVIS
SIOBHAN L DAWSON
MARK LOREN DENNIS IV
AMANDA JOY DIXON
CALVIN EUGENE DIXON
JAMES WILLIAM DODD
BRENDA KAY DOWDY
ANJELA D DOWLER
PAUL JOSEPH DOYAL
ILONA DIANNE DROCEA
MEGAN NICHOLE DUCKETT
JAMIE RENEE DUKE
BARBARA DUNCAN
JOHN FRANKLIN DURHAM
CAROLINE CHRISTIE EASLEY

SHERITA DIANETTA EDMONDSON
ANDREA RUTH EIDSON
JORDAN LYN ELDRIDGE
JEFFREY NEIL ELKINS
JACQUELYN DAWN ELLISON
JENNY LOVE EMERSON
ASHLEY NICOLE ENNIS
SUSAN MASON ERICKSON
MARY ANN EURE
AMANDA C.S. EVANS
LAKISHA A EZELL
CORNELIUS FAIRBEE
SHANTE' M FENTRESS
ASHLEY LAUREN FIELDS
ORMONDA MICHELLE FITZGERALD
KAREN SUE FLETCHER
JOSHUA BRIAN FLOYD
NYKIA DAWNIELLE FLUELLEN
AURORA FREIDA FONTANILLA
KATHRYN ALEXANDRA FORD
MELANIE ANN FORD
QUINIA LENE' FOSTER
SARAH ELIZABETH FRASER
DIANE FREEMAN
TIFFANY LASHAY GARY
LINDSEY JANESE GAY
ERICA ELAINE GILLILAND
LETTICIA BALCH GOODWIN
FELICIA LYNN GOULD
BETHANY JOHNA GRAHAM
KATIE ELAINE GRAHAM
MILAS GRAVES IV
MELISSA IRENE GREEN
SHERRI L GREEN
TRESSA CAROL GREEN
BARBARA LYNN GREENE
ALLISON ELIZABETH GREER
SHIRLEY ANN GRIFFIN
TANGELA R GRIFFIN
EVELYN MARIE GWYNN
ALLEN RICHARD HALE
DONNA CAROLYN HALE
JAMES MATTHEW HALE
KATIE LOU HALL
MICHAEL BRADLEY HALL
ROBERT DEWAYNE HALL

NICHOLAS THOMAS HALPIN
ERIC JOSEPH HAMAN
MICHAEL DEREK HAMBY
KELLI L HAMILTON
JAYLENE ELIZABETH HANKE
JULIE JEAN HANSON
SHEILA ALLISON HANSON
TINA KAYE HARDEN
SHARRON MELISSA HARDIN
JAMES WAYNE HARGROVE
WAYNE EDWARD HARRELL
CHARLES STANLEY HARRIS
CYNTHIA MARIE HARRIS
LIANA S HARRIS
SANDRA TAYLOR HARRIS
SHAUNDRA COPELAND HARRIS
NATASHA LYNN HARRISON
TAMMY LOUISE HARRISON
KIMBERLY GILLELAND HARTLEY
ALISA M HASWEH
MARY KATHLEEN HAYNES
PEGGY LUCILLE HEATHERLY
KEELY BROOKE HECKMAN
MICHELLE SUE HELMS
STORMY ANN HEMBY
CHERYL RENA HENDRIX
RUTH ELLEN HENRY
ANGELA HERBERT
ANGELA EUGENIA HIGHT
TANITHEA SHARAE HILL
CHRISTY L HILLGER
VIOLA MAE HOBBS
SARAH ELIZABETH HOLLEY
PATRICIA LASONYA HOLLIMON
JULIE RENEE HOLT
MEGAN MICHELLE HONEYCUTT-HAUN
BARBARA ANN HOWARD
ASHLEY MARIE HOWELL
SHARON MARJI HOWSE
JASMINE CHRISTINE HUBBARD
JHONATHA ANN HUDDLESTON
KIM R HUDGENS
SHINKA DARLENE HUFF
PHYLLIS HUGHES
AMANDA RHEA HUMBERD
PAMELA JO HURT

TONYA LYNN IRVIN
KRISTIE LEEANN JAY
HEATHER LEE JENKINS
TIFFNEY NICHOLE JENKINS
LESLIE DAWN JENNINGS
DEBRA KAY JESTICE
ANDREA M JOHNSON
KENDRA PAIGE JOHNSON
PAQUITA LASHA ILENE JOHNSON
WILLIAM R JOHNSON
ASHLA RONNIE JOHNSTON
HOLLY ELIZABETH JONES
SHAUNA RACHELLE JONES
CHERYL DENISE JORDAN
LAMETRA DENISE JOYNER
DEBRA HELEN KANTER
LYLA JEAN KEELER
SHERONDA DENICE KEESEE
DEBRA LYNNE KELLY
LAKETA MARRIETTA KELLY
MARY LYNN KENT
KALEIGH NICOLE KEY
LISA ANN KINDRICK
FORREST EVERETT KING
JOSEE ANN KNECHT
SARAH ELIZABETH KNIGHT
GINA ARLENE KNOWLES
JESSICA ANN KOPROWSKI
ROCHELLE N KRAMPOTA
MYRA ANDRE'A LAIRD
JOANN LALE
CRYSTAL LYNN LANCASTER
AMANDA KAY LARSON
EDWARD D. LAUDERDALE
JENNY LEE LAWSON
CARLA MARIE LEAKES
RONNIE LEAVY
LAUREN MELISSA LEE
CHRISTY DIANE LETSINGER
DANNY B LEWIS
KENDRIA B LEWIS
TAHISHA MONIQUE LEWIS
ISAAC LEANDRUS LIAS
HOLLY SHAY LISSNER
SHERRY DEANN LITTLE
PATRICIA ANN LITTLEJOHN

SHARON DENICE LOVE
KELLY LEANNE LOWE
REBECCA LYNN LUCCA
MARIJANA LUCIC
SARAH ANNE MACMURTRY
GEORGE SIDNEY MANNING
ELIZABETH NICOLE MARSHALL
GAIL ELIZABETH MARTIN
CRYSTAL D MAX
BARBARA A MAXWELL
LINNEA MARIE MCAMIS
ANGELA MARIE MCCALL
COURTNEY WIRSING MCCARTHY
ELAINE WILKINSON MCKEAN
SUSAN M MCKENNA
LEONARD RICHARD MCMILLER
AMY LACHONE MCNABB
LESLIE CAROL MCNAIR
VALERIE HESTER MEADOWS
TONI MELTON
KEONA KARRENE MENIFEE
SARAH JANE MERCURE
BROOKE MARGARET MERKIN
BERNARD G MERRELL
EUGENIA NICOLE MEYER
AMBER RENEE MIDKIFF
SARAH JEAN MIER
ESTILL LEE MILLER II
JOHN DAVID MINTON
KELLY MARIE MITCHELL
REBECCA GAYLE MOELLER
THOMAS DANIEL MONTGOMERY
AUDREA NICOLE MOODY
NICOLE LEIGH-ANNE MORTON
SA'MIA ROSHAUNDA MOSLEY
MARY CHRISTOPHER MUROV
LAURA DENISE MURPHY
REGINALD E MURPHY
ASHLEY MARCELLA MURRAY
ERIN RENE' MYERS
TRINA SHAE NAVE
LATOYA LASHAY NEAL
SUKUTAI NEBLETT
LARETTA CHERISE NELSON
TAMMY RENE A NEWMAN
MISTY LEA NICHOLS

DARLENE INEZ NICKELS
SHARON DENISE NICKELS
ELYSSE M O'CONNOR
TAMARA KIMBERLY O'HARA
BERTHA ANN OAKS
M ELIZABETH OSTERKAM
WTEPHANIE KAY OTT
ANNE E PAFFORD
KATHERINE LOUISE PARKINSON
TEDDY P PARNELL
PHILESHA R PAYNE
ROYALE LYNN PAYTON
RACHEL ANN PEARSON
KATHLEEN W PECK
JENSI REBECCA PENDERGRAST
SHERE MICHELLE PERKINS
LORA JUANITA PERRY
ANGELA RENEE PETERS
SHERRY BONITA PICKETT
ALICIA RYAN PIERCE
EMILY MARIE PIERCY
SHELLEY RAE PINNER
ANGELA MARIE POINTER
ELENA P POLEZHAEVA
JEREMIAH E POLK
SHANTISE DIANE PORTER
SANDY ROSE POSEY
CAMERON JASON POWERS
BRAD EDWARD PRENDERGAST
FRANKLIN R. PREVATTE
ADMIR PUPALOVIC
SALLY ELIZABETH RAINWATER
FALON NESHA REED
WILLOW ANN REESMAN
DANIEL BRADY REIMERS
ASHLEY BLAIR REYNOLDS
JOHNATHAN EARL RICHEY
JOYCE MARIE RIDDLE
SARA LISBETH RIMER
REBEKAH L. ROBBS
CALVIN OWEN ROBERTS JR
NANCY CAROL ROBERTSON
TERENCE CORY ROBINSON
LILIANA GUADALUPE RODRIGUEZ
CHRISTINA LOUISE ROSE
JANET LYNN ROSEN

TRACY L ROTAN
CHE' RUSSELL
ASHLEY NOELLE SADLER
AARON WESLEY SAYLOR
JESSICA CATHERINE SCHACHT
KIMBERLY DAWN SCHAUER
BETHANY J. SETTLES
CHARLES E. SETTLES
LEWINFRED ANTONIO SHACK
REGINA DIANNE SHACK
MONTE M. SHAFFER
DEBBIE DIANE SHARP
RUTH DIANE SHAW
CONNIE MARIE SHELTON
PAIGE LEIGH SHIVERS
MITCHELL GRAHAM SIMPSON
ELIGAH SLEDGE JR
BRANDI DARNELLE SLOVER
COURTNEY MAURICE SMITH
JAMES MICHAEL SMITH
MELISHA MICHELLE SMITH
MAJESTA JAVAE SMITH
MIRANDA BETH SMITH
MARQUITA LAGUNDA SMITH
RICKY TRENTICK SMITH
VICKI LEE SMITH
HOLLY LYNN SNORTEN
ASHLEY LYNN SPEER
MARY ALICE STAGGS
LORA MARIE STEPHENS
KIMBERLY KAY STEWART
BENJAMIN KENNETH STONE
TRACY NICOLE STONE
KRISTY ANN STREET
DEBORAH LYNN STRIBLING
DEBBIE DENISE SULLIVAN
TERRI DENISE SUTER
MELISSA GAYLE SWAFFORD
TAMMY SUE SWARTWOOD
ANDREA KATHLEEN SWARTZ
ELIZABETH ASHLEY SWEENEY
LISA ANN SZCZESNY
TERRIE RENEE TARPLEY
JOCELYN MARIE THOMAS
QUINTUS DWAYNE THOMAS
VALERIE MARIE THOMAS

AMANDA DYANN THOMPSON
DONNIA GALE THOMPSON
JIMMY DEWAYNE TIDWELL
ANTONIO TORRES
CARRIE MARIE TRAFELET
LATOYA MICHELLE TRAMILL
STEPHANIE QWENSHALL TRIMBLE
DEBORAH LYNN TURK
JEFFERY STEVEN TURNER
LINDSAY KAY TURNER
CRYSTALL DAWN VALENTINE
BRITTANY NICOLE VANDERGRIF
RASHONDA CARTIA' VAUGHN
JACQUELINE LOUISE VIARS
YISELL VILLAMIL
LE VINH
DORIAN EDWIN WALKER
HEATHER ANN WALKER
TAMMY MICHELLE WALKER
ROBYN AMANDA WALSTON
RONNIE DARRYL WALTERS
SARAH BETH WAMPLER
STEPHANIE LYNETTE WARD
AMBER DANIELLE WARREN
ADRIEL C. WATKINS
ERIN RENEE WATSON
WILLIAM DAVID WATSON
JAMES RANDALL WATTS
TASHA ANNSHELEE WEAVER
MILDRED GIOVANETTI WELBORN
JAMES FREDRICK WERESUK
WENDY LYNN WESTBROOKS
TONIA KAY WESTON
JOAN ELAINE WHERLEY
TANIA ANDRE' WHITE
DEXTER ALEXANDER WILEY
LINDA J. WILKINSON
ALEXIS KATHLEEN WILLIAMS
BRENDA LEA WILLIAMS
ERIC LEE WILLIAMS
SAMANTHA SOPHRONIA WILLIAMS
JEREMY L. WILSON
JENNIFER PAIGE WILSON
YVETTE V. WINDHAM
HEATHER PATRICIA WINKLE
KASANDRA JEAN WINTJEN

MAMIE DENISE WITHERSPOON
KRISTY M. WOODY
MARIE MICHELLE WOOTEN
RANDALL H. WORDE
MARK ANTHONY WRIGHT
TRAVIS STEVEN WRIGHT

VIRGINIA P. YARBROUGH
TERRY LEE YERDEN, JR.
ROCHELLE DENISE YOUNG
LINDA SUE ZAJAC
ELAINE JOY ZIEMBA
DIANE LYNN ZIMMERMAN

Massage Therapists Reinstated

JESSICA LEA BARRETT
JANE ELIZABETH DARDEN
STEPHANIE ANGELA DENNIS
BARBARA ANN DONNELLY
JANIE YVONNE DURHAM
ROBIN FOWLER GILLIAM
BILLIE RUTH HAUSEN
LISA MICHELLE HORTON
ANDRE' T. HOWARD

TARSHA L. JACKSON
ROBIN JOHNSON
JOY MARTIN KANIES
CYNTHIA K. MATHERLY
MELODIE RACHELLE MOHAMMADPOUR
JULIE MONTGOMERY WOOD
GINA GAY NUENKE
KIMBERLY L. PENCE
JUSTINE ALIER SPENCER

Massage Establishments

A MOMENTS PEACE
A TOUCH OF STYLE
ADVANTAGE HAIR SALON/DAY SPA
ALEXIAN VILLAGE OF TENNESSEE
APROPOS ADVANCED SKIN CARE AND COSMETICS
AT LAST MASSAGE BY STORMY
BACK N TOUCH MASSAGE, BODYWORK, AND TREATMENT CENTER
BALANCED KNEADS
BELLA SALON AND SPA
BLESSINGS
BODY SENSE THERAPIES
BODY SPIRITS
CAREY J. HARDISON, LMT
CARRIE BRIDGES
CHANGES
COUNTRY TOUCH SPA
CYNTHIA PERRY LMT
DERMESS WELLNESS
DIRK DANDY LMT
DR. MELODY A. BARRON
ECLIPSE SALAN
ECLIPSE SPA SALON
ELDRIDGE FAMILY CHIROPRACTIC
EXHALE INCORPORATED
GAYLORD OPRYLAND RESORT D/B/A/ RELACHE SPA

GLO'S
HAIR RAISERS
HANDS 2U 2000
HANDS FOR HEALTH THERAPEUTIC MASSAGE
HEALING HANDS MASSAGE
HEALING JOURNEYS
HEALING JOURNEYS
HEALING TOUCH HANDS THAT CARE
HIGH MEADOW GROUP, INC. DBA LAVENDER SAGE DAY SPA
IMAGES HAIR STUDIO
IRISH ROSE MASSAGE THERAPY
JAMES F. WERESUK MASSAGE THERAPY
JENNIFER WILSON, LMT
JUST BREATHE MASSAGE THERAPY
MASSAGE BY KATE
MASSAGE BY LESLIE
MASSAGE BY RENA
MASSAGE THERAPY BY JORDAN ELDRIDGE
MICHELLE BOUTON
MID SOUTH MASSAGE THERAPY
MLB ENTERPRISES, LLC
NATURAL BODY SPA AND SHOPPE
NATURAL KNEADS THERAPUTIC MASSAGE
NEW IMAGE (FULL SERVICE SALON)
OLYMPUS ATHLETIC CLUB AND SPA
R.A.D. ENTERPRISES ROTONYA B TROUP
RELAXI-TAXI THE MOBILE MASSAGE UNIT
RITA'S PROFESSIONAL MASSAGE
SERENITY SALON AND SPA
SHERRIE PRESTON, LMT
SIMPLY MASSAGE
SKIN APPEAL, LLC
SPA NINETY-SEVEN HUNDRED
ST MARYS-SEWANEE
STILES HAIR AND NAIL STUDIO
STYLE OF PERFECTION SALON
SUN MASSAGE THERAPY
SUN SOLUTION
TENEIA'S MASSAGE THERAPY
THE COMFORT ZONE
THE CUT WORKS HAIR SALON
THE SALON
THE SPA AT OAK HAVEN
THERAPEUTIC MASSAGE AND WELLNESS CENTER
THERAPEUTIC MASSAGE OF MEMPHIS
TOP NOTCH NAIL SPA

Massage Establishments Reinstated

CARL'S SALON

HEALTH QUEST

SHEAR PLEASURE

THE POWER OF EXPERIENCE MASSAGE AND BODYWORK CLINIC

Approved Continuing Education Courses

A motion was made by Ms. Chumbley and seconded by Ms. Glassgow-Trotman to ratify the following continuing education courses:

Ed Bolden – Hot Stone Massage – 16 hours

Mary Glesige – Introduction to the Chakra System and Discovering Your Intuition Level I, Level II – 12.5 hours each, Level III – 28 hours

The motion carried.

Ms. Bell addressed the Board. She reported the office would be moving to Metro Center hopefully before the next Board meeting. She also informed the Board that administration is working on a contract for a new RBS system, and that she is working on an outline using Roberts Rule of Order to better assist the Board when conducting meetings.

There being no further business, Ms. Chumbley made a motion to adjourn. Ms. Glassgow-Trotman seconded the motion. The motion carried and the meeting adjourned at 7:40 p.m.

August 23, 2005

Members Present: Steve Harper, LMT, Chair
Rebecca Eichel, LMT, Secretary
Kirsten VandeBerg, LMT
Beverly Chumbley, RN, LMT
Juliana Glassgow-Trotman, LMT
Marilyn Field, Citizen Member
Robbie Bell, Ex-Officio

Staff Present: Dianne Birkner, Unit Manager
Dale Hill, Board Administrator
Lisa Lampley, Unit Director
Bob Kraemer, Advisory Attorney

A quorum being present, the Board Meeting was called to order by Mr. Steve Harper at 9:15 a.m.

Contested Cases

Connie Hollandsworth, LMT

The State was represented by Ms. Elisha Hodge. Ms. Hollandsworth was represented by Mr. Lawrence Hart. Judge Philip Barber presided over the case.

Ms. Hollandsworth was brought before the Board on charges of operating two unlicensed massage establishments.

Ms. VandeBerg made a motion, which was seconded by Ms. Chumbley to accept Findings of Facts #10, #12 as written and to amend #13 changing the dates to May 2003 until August 2003. The motion carried.

Ms. VandeBerg made a motion to accept as Conclusion of Law items #14 and #15 of the Causes of Action. Ms. Chumbley seconded the motion. The motion carried.

Ms. Field made a motion to assess four (4) Type A civil penalties in the amount of \$500.00 each and four (4) Type B civil penalties in the amount of \$100.00 each for a total of \$2400.00.

Discussion – Ms. VandeBerg suggested to start with a base penalty of \$500.00 plus \$200.00 per month for a total of \$800.00. Ms. Chumbley suggested a \$300.00 per month for a total of \$1200.00. A vote was taken on the motion. Ms. Field voted yes, the remaining members voted no. The motion did not carry.

A motion was made by Ms. Chumbley and seconded by Ms. Glassgow-Trotman to assess a base penalty of \$500.00 plus \$300.00 per month for four (4) months for a total of \$1700.00. After discussion, Ms. Chumbley made a motion to amend her previous motion to three (3) months for a total of \$1400.00 plus court costs. Ms. VandeBerg seconded the motion. The motion carried.

with Mr. Harper voting no. A vote was taken on the original motion with the amendment. The vote carried with Mr. Harper voting no.

Mr. Harper stated this action was taken to uphold the law and for the safety and welfare of the public.

Michael Odosij

The State was represented by Brandi Bozarth. Mr. Odosij was represented by Suzette Peyton and Thomas Nebel. Mr. Nebel was not present. Judge Philip Barber presided over the case.

Ms. Peyton stated Mr. Nebel had filed a motion with the judge to dismiss the cases against Michael Odosij, Tasha Allen, Svetlana Creech, John Helme, and Jennifer James, licensed massage therapists who worked in an establishment, Therapeutic Effects Massage, whose establishment license had expired.

Ms. VandeBerg made a motion to dismiss the cases against Svetlana Creech, Tasha Allen and Jennifer James and to hear the case against Michael Odosij and John Helme, owners of Therapeutic Effects Massage. Ms. Glassgow-Trotman seconded the motion.

During discussion, Ms. VandeBerg stated she does not feel the massage therapists should be held responsible for insuring the owners renew the establishment license. After further discussion, Ms. Glassgow-Trotman called for the question. Ms. VandeBerg, Ms. Chumbley, Ms. Glassgow-Trotman, and Ms. Field voted yes. Ms. Eichel voted no and Mr. Harper abstained. The motion carried.

Michael Odosij and John Helme

The State was represented by Brandi Bozarth. Mr. Odosij and Mr. Helme were represented by Suzette Peyton. Judge Philip Barber presided over the case.

Mr. Odosij and Mr. Helme were brought before the Board for operating Therapeutic Effects Massage on an expired license.

Ms. VandeBerg made a motion to accept the Allegations of Fact #10, #11, #12, and #13 as Finding of Fact. Ms. Eichel seconded the motion. The motion carried.

Conclusion of Law

Ms. VandeBerg made a motion based on Findings of Fact #12 and #13 the respondents have violated #14 and #15 in the Causes of Action. Ms. Glassgow-Trotman seconded the motion. Ms. VandeBerg voted yes. All other members voted no. The motion failed.

Ms. VandeBerg stated, for the record, that 63-18-204 and 0870-1-.03 deal with establishment licenses and in her opinion Finding of Fact #11 does not fit under this law or rule.

Ms. Eichel made a motion to accept as Conclusion of Law, that Allegations of Fact #10, #11, #12, and #13 have been violated. A second was not made and Ms. Eichel withdrew her motion.

Ms. Field made a motion to accept as Conclusion of Law, Allegation of Fact #11. Ms. Glassgow-Trotman second the motion. Ms. VandeBerg stated for the record she reiterates she does not feel it is a violation of law. The motion passed with Ms. VandeBerg voting no.

Ms. Chumbley made a motion to assess to each respondent, 21 type B civil penalties in the amount of \$50.00 each for a total of \$2100.00 each plus court cost. Ms. Glassgow-Trotman seconded the motion. Ms. Field stated the cost is too high due to the health problems of the respondents. Ms. Chumbley made a motion to amend the motion, that the civil penalties be assessed together, each respondent paying half of the \$2100.00. Ms. Field seconded the motion. The motion carried with Ms. VandeBerg voting no.

Mr. Harper stated this action was taken to uphold the law and for the safety and welfare of the public.

Consent Order

Anthony Myers

Ms. Bozarth presented the Consent Order that Mr. Myers practiced at Therapeutic Effects Massage from February 12, 2004 to April 22, 2004, a period during which the establishment was without a license and agreed to pay two (2) Type B civil penalties in the amount of \$100.00 each for a total of \$200.00.

Ms. VandeBerg made a motion to deny the consent order based on the fact it is not their responsibility. The motion died for lack of a second.

Ms. Field made a motion to accept the Consent Order. Ms. Glassgow-Trotman seconded the motion.

Ms. VandeBerg stated she feels it should be dismissed because the others were dismissed. Ms. Eichel stated the others should not have been dismissed. Ms. Eichel called for the question. The motion carried with Ms. VandeBerg voting no.

Mr. Harper left the meeting at 3:25 p.m. Ms. Eichel served as Acting Chair.

Contested Cases

Kimberlee Akins

The State was represented by Elisha Hodge. Ms. Akins was not present or represented by counsel. Judge Philip Barber presided over the case.

Ms. Hodge made a motion that Ms. Akins be found in default. The Judge granted the motion.

Ms. Hodge presented an Affidavit from Carolyn Conley, an investigator for the State of Tennessee. Ms. Conley interviewed Ms. Akins over the telephone at which time she admitted she disseminated a business card that designated her as a massage therapist and admitted that she once held a massage therapist license in California but had never been licensed in Tennessee. Ms. Hodge then presented a copy of Ms. Akins' business card in which she refers to herself as a "Licensed Massage Therapist".

Ms. VandeBerg made a motion that Allegations of Fact #6 and #7 have been proven. Ms. Field seconded the motion. The motion passed.

Ms. Chumbley made a motion to accept #8 of the Causes of Action as the Conclusion of Law. Ms. VandeBerg seconded the motion. The motion carried.

Ms. VandeBerg made a motion to assess one(1) Type C civil penalty in the amount of \$100.00. Ms. Glasgow-Trotman seconded the motion. The motion carried.

Ms. Eichel stated the action was taken to uphold the law and for the safety and welfare of the public.

Russell Turner

The State was represented by Elisha Hodge. Ms. Turner was not present or represented by Counsel. Judge Philip Barber presided over the case.

Ms. Hodge made a motion that Mr. Turner be found in default. The Judge granted the motion.

Ms. Hodge presented an Affidavit from Karen Massey, a licensed massage therapist. The Affidavit stated Ms. Massey was a patient of Paul Porceddu, DC, at Total Health Care. She received her first massage from Mr. Turner in January 2002, and continued as a patient through 2002, 2003 and 2004. The Affidavit further stated in late 2003 she did a search on Mr. Turner's license and found it had not been current since November 2002. In September 2004, Ms. Massey began to work at Total Health Care and that Mr. Turner ceased performing massages at Total Health Care in January 2004.

Ms. Dianne Birkner testified Mr. Turner's license expired on October 31, 2002 and his license was reinstated on January 22, 2004.

Ms. Chumbley made a motion to accept Finding's of Fact #10 and #11. Ms. Glasgow-Trotman seconded the motion. The motion carried.

Ms. Field made a motion to accept as Conclusion of Law, #12 and #13 of the Causes of Action. Ms. Chumbley seconded the motion. The motion carried.

Ms. VandeBerg made a motion to assess fifteen (15) Type B civil penalties in the amount of \$100.00 each plus court cost. Ms. Field seconded the motion. The motion did not pass.

Ms. Chumbley made a motion to assess one (1) Type A civil penalty in the amount of \$500.00, fifteen (15) Type B civil penalties in the amount of \$100.00 each, plus court costs and that his license be suspended until such time he pays his fine and appears before the Board to request the suspension be lifted. The motion carried.

Ms. Eichel stated the action was taken to uphold the law and for the safety and welfare of the public.

Larry Hargrove

Mr. Hargrove's case was continued.

Agreed Orders

Body and Soul, Inc.

Ms. Hodge presented an Agreed Order on Body and Soul, Inc. Ms. VandeBerg made a motion to accept the Agreed Order that Lisa Fox-Miles, RN, Respondent/Owner, operated the establishment for seven (7) months without a license and agreed to pay seven (7) Type B civil penalties in the amount of \$200.00 each for a total of \$1400.00. Ms. Field seconded the motion. The motion carried.

Dianne Myers, LMT

Ms. Hodge presented an Agreed Order on Diane Myers. Ms. Chumbley made a motion to accept the Agreed Order that Ms. Myers worked in an unlicensed establishment for three (3) months and agreed to pay three (3) Type C civil penalties in the amount of \$100.00 each for a total of \$300.00. Ms. Field seconded the motion. The motion carried.

Consent Order

Health Quest

Ms. Hodge presented the Consent Order that stated from October 31, 2003 until April 26, 2005 the license of Health Quest had lapsed and that neither the Respondent nor massage therapist practicing at the establishment had an active establishment license and that Respondent shall pay seventeen (17) Type B civil penalties in the amount of \$200.00 each for a total of \$3400.00.

Ms. VandeBerg made a motion to accept the Consent Order. Ms. Chumbley seconded the motion. The motion carried.

Tracy Gibson, LMT

Ms. Hodge presented the Consent Order that stated Ms. Gibson practiced at an establishment whose license had lapsed, from October 31, 2003 until April 26, 2005. Respondent agreed to

pay seventeen (17) Type B civil penalties in the amount of \$200.00 each for a total of \$3400.00. Ms. Field made a motion to accept the Consent Order. Ms. Glassgow-Trotman seconded the motion. The motion carried with Ms. VandeBerg voting no.

Therapeutic Balance and Bodywork

Ms. Hodge presented a Consent Order that stated the owners Gail Owens, LMT and Laura Caudle, LMT, d/b/a Therapeutic Balance and Bodywork practiced from approximately July 15, 2002 until March 23, 2005 without an establishment license and that the respondents shall pay thirty-two (32) Type B civil penalties in the amount of \$200.00 each for a total of \$6400.00 and that the respondent must pay the penalty within one year.

Ms. VandeBerg made a motion to accept the Consent Order. Ms. Glassgow-Trotman seconded the motion. The motion carried.

Amanda Brazier

Ms. Hodge presented a Consent Order that states Ms. Brazier holds a license as a Chiropractic Therapy Assistant and advertised on her business cards "Amanda Brazier, CTA, Therapeutic Massage, by Appointment Only". Ms. Brazier consented to pay one (1) Type B civil penalty in the amount of \$100.00 for advertising massage services without possessing a massage license.

Ms. VandeBerg made a motion which was seconded by Ms. Glassgow-Trotman to accept the Consent Order. The motion carried.

Phil Mandley

Ms. Hodge presented a Consent Order that stated the respondent was advertising massage/bodywork without possessing a massage therapy license and had agreed to pay two (2) Type B civil penalties in the amount of \$100.00 each for a total of \$200.00.

Ms. Glassgow-Trotman made a motion to accept the Consent Order. Ms. VandeBerg seconded the motion. The motion carried.

Ms. Bell addressed the Board and thanked them for all their hard work. She told the Board she was working on an outline for Roberts Rules that would help the Board when conducting contested cases.

There being no further business, Ms. Field made a motion to adjourn. Ms. Chumbley seconded the motion. The motion carried and the meeting adjourned at 4:50 p.m.

Rebecca Eichel, LMT, Secretary

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